

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

In Re: :
TAGNETICS, INC. : Chapter 7 (Involuntary)
: Case No. 3: 19-bk-30822
: Judge Guy R. Humphrey
Alleged Debtor :
:

**MOTION FOR RELIEF FROM AUTOMATIC STAY FOR
LEASEHOLD AT 3415 U.S. RTE. 36, PIQUA, OHIO 45356,
WITH COMBINED NOTICE TO ALL INTERESTED PARTIES.**

NOTICE OF MOTION

Piqua Piqua Troy Investments, LLC has filed papers with the court to obtain relief from the automatic stay pertaining to the Alleged Debtor's leasehold interest contained within the real property located at 3415 U.S. 36, Piqua, OH 45356, in Brown Township, Miami County, Ohio in order to evict Alleged Debtor and collect past due rent.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. mail to: Clerk of the U.S. Bankruptcy Court, 120 West Third Street, Dayton, OH 45402-1819 OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. mail to:

Bryan K. Stewart
Attorney for Movant
Stewart and Stewart Lawyers, Ltd.
104 West Main Street
Tipp City, OH 45371

U.S. Trustee
By: Jeremy Shane Flannery, Esq.
Asst. US Trustee (Day)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

Christopher L. Wesner, Esq.
Miller, Luring, Venters & Wesner Co., LPA
Attorney for Kayser Ventures, Ltd. and S-Tek, Inc., Petitioning Creditors
314 W. Main St.
Troy, OH 45373

Stephen B. Stern, Esq.
Attorney for Tagnetics, Inc., alleged Debtor
238 West Street
Annapolis, MD 21401

Ronald E. Early
6429 Winding Tree Dr.
New Carlisle, OH 45344
Petitioning Creditor

Jonathan Hager
842 Paint Bank Road
Salem, VA 24153
Petitioning Creditor

Kenneth W. Kayser
P.O. Box 115
Catawba, VA 24070
Petitioning Creditor

Robert Strain
427 Artell St.
Marcengo, IL 60152
Petitioning Creditor

S-Tek, Inc.
1100 Wayne St.
Suite 5000
Troy, OH 45373
Petitioning Creditor

Tagnetics, Inc.
3415 U.S. Rte. 36
Piqua, OH 45356
Alleged Debtor

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief without further hearing or notice.

STEWART and STEWART LAWYERS, Ltd.

Date of Issuance: May 28, 2020

By: /s/Bryan K. Stewart
Bryan K. Stewart, #0042122
Attorney for Creditor/Movant
Piqua Troy Investments, LLC

MOTION

Pursuant to 11 U.S.C. § 362, Piqua Troy Investments, LLC (hereafter “Piqua Troy”), an Ohio Limited Liability Company in good standing with Ohio Secretary of State, by and through counsel, respectfully moves for an Order granting it relief from stay in the above captioned case for the reasons set forth in the accompanying memorandum and Exhibits “1”, “2”, “3” and “4”.

Respectfully submitted,

STEWART and STEWART LAWYERS, Ltd.

By: /s/Bryan K. Stewart
Bryan K. Stewart, #0042122
Attorney for Creditor/Movant
Piqua Troy Investments, LLC
104 West Main Street
Tipp City, Ohio 45371
(937) 506-8805; fax (937) 506-8807
Email: bryan@stewartlawyers.com

MEMORANDUM IN SUPPORT

Piqua Troy respectfully asserts that an Order granting it relief from the automatic stay is appropriate due to the following grounds:

1. Petitioning Creditors filed an involuntary petition for relief under Chapter 7 of the bankruptcy code on or about October March 19, 2019. Alleged Debtor, Tagnetics, Inc., holds a leasehold interest to the following described real property:

Situate in the Township of Brown, County of Miami, State of Ohio and being 56 ft. x 84ft (approx. 4,704 sq. ft.) located at the North West section of the Warehouse located at 3416 U.S. Rte. 36, Piqua, Ohio 45356.

A copy of the lease in which Alleged Debtor acquired its leasehold interest is attached hereto as Exhibit "1" and is incorporated herein.

2. Piqua Troy is the fee simple owner and landlord of the leasehold premises described in paragraph 1 herein. A copy of the deed evidencing Piqua Troy's fee simple ownership is attached hereto as Exhibits "2" and is incorporated herein.

3. On May 1, 2020, there was due Piqua Troy from Alleged Debtor under said Lease the sum of Sixty One Thousand Eighty Eight Dollars (\$61,088.00) for unpaid rent and expenses from October 1, 2018 through May 31, 2020, for which sums Piqua Troy has demanded but remains unpaid. Alleged Debtor shall continue to owe monthly rent in the amount of Two Thousand Nine Hundred Fifty Two Dollars (\$2,952.00) per month and additional charges per the lease until possession of the leasehold premises is restored to Piqua Troy. A copy of the rent/expenses due statement for said leasehold premises is attached hereto as Exhibit "3" and incorporated herein.

4. Pursuant to 11 U.S.C. § 362 (d) (1), due to the continuing accumulation of rent, Piqua Troy respectfully asserts that its interests are not adequately protected.

5. Additionally, Piqua Troy contends that the Alleged Debtor is unable to make adequate protection payments to Piqua Troy, and therefore, Piqua Troy is entitled to relief from the automatic stay as requested.

6. Piqua Troy respectfully asserts that sufficient cause exists to waive the requirement of Bankruptcy Rule 4001(a)(3), allowing an Order to be effective upon this Honorable Court's signature.

7. This Motion does not affect the rights of any potential Chapter 7 Trustee.

WHEREFORE, Piqua Troy Investments, LLC requests this Court grant it relief from the automatic stay to enable it to pursue its remedies under state law with respect to the real property leasehold as described herein.

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Respectfully submitted,

STEWART and STEWART LAWYERS, Ltd.

By: /s/Bryan K. Stewart
Bryan K. Stewart, #0042122
Attorney for Creditor Piqua Troy Savings
& Loan Association
104 West Main Street
Tipp City, Ohio 45371
(937) 506-8805; fax (937) 506-8807
Email: bryan@stewartlawyers.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice/Motion for Relief from Automatic Stay was served (I) **electronically** on the date of filing through the Court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on May 28, 2020 addressed to:

Ronald E. Early
6429 Winding Tree Dr.
New Carlisle, OH 45344
Petitioning Creditor

Kenneth W. Kayser
P.O. Box 115
Catawba, VA 24070
Petitioning Creditor

S-Tek, Inc.
1100 Wayne St.
Suite 5000
Troy, OH 45373
Petitioning Creditor

Jonathan Hager
842 Paint Bank Road
Salem, VA 24153
Petitioning Creditor

Robert Strain
427 Artell St.
Macengo, IL 60152
Petitioning Creditor

Tagnetics, Inc.
3415 U.S. Rte 36
Piqua, OH 45356
Alleged Debtor

/s/Bryan K. Stewart
Bryan K. Stewart, #0042122
Attorney for Creditor Piqua Troy Investments,
LLC